

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6301

(202) 225-6371
www.science.house.gov

August 26, 2013

Dr. Fred Hauchman
Director
Office of Science Policy
Office of Research and Development
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Dr. Hauchman,

On behalf of the Committee on Science, Space, and Technology, I want to express my appreciation for your participation in the July 24, 2013 hearing entitled *Lessons Learned: EPA's Investigations of Hydraulic Fracturing*. I have attached a verbatim transcript of the hearing for your review. The Committee's rule pertaining to the printing of transcripts is as follows:

The transcripts of those hearings conducted by the Committee and Subcommittees shall be published as a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved.

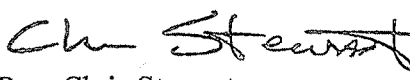
Transcript edits, if any, should be submitted **no later than September 9, 2013**. If no edits are received by this date, I will presume that you have no suggested edits to the transcript.

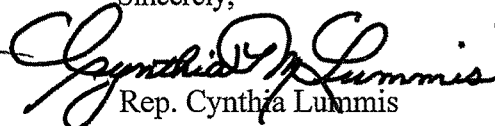
I am also enclosing questions submitted for the record by Members of the Committee. These are questions that the Members were unable to pursue during the time allotted at the hearing, but felt were important to address as part of the official record. **All of the enclosed questions must be responded to no later than September 9, 2013.**

All transcript edits and responses should be submitted to me and directed to the attention of Taylor Jordan at Taylor.Jordan@mail.house.gov. If you have any further questions or concerns, please contact Mr. Jordan at (202) 225-5967.

Thank you again for your testimony.

Sincerely,


Rep. Chris Stewart
Chairman
Subcommittee on Environment


Rep. Cynthia Lummis
Chairman
Subcommittee on Energy

Enclosures: Transcript and Member Questions

**U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY
Subcommittee on Environment
Subcommittee on Energy**

**Hearing Questions for the Record
The Honorable Chris Stewart**

***Lessons Learned: EPA's Investigations of Hydraulic Fracturing*
Dr. Fred Hauchman**

1. How much money has EPA spent on this study so far, and how much does the Agency plan to spend before the study is completed? Given that resources are limited, and EPA is carrying out the study with less funding than was requested by the Obama Administration, why has the scope expanded so far beyond the original appropriations language, which directed the Agency to simply study the relationship between hydraulic fracturing and drinking water? Moreover, given work being conducted by other federal agencies (i.e. DOE, USGS) and state agencies, can you provide any "cost savings-cost avoidance" opportunities that taxpayers can realize in your efforts?
2. Several reviewers noted that part of the study EPA is listing the chemicals used in hydraulic fracturing, but have thus failed to provide any context, including concentration and dose. Specifically, one reviewer noted "In order to provide information useful to policy makers, EPA needs to have potential exposure information (an assessment of potential "dose"), and knowledge of the characteristics of site conditions that impact the likelihood of a spill and consequences of spills (containment or environmental release) to assess potential to impact water resources." Does the EPA feel that simply listing the hydraulic fracturing additives is a useful enterprise without the aforementioned context?
 - a. Additionally, will the EPA be providing appropriate context and characterization for these additives? For example, many hydraulic fracturing additives can also be found in commonly used household products, yet the public may be unfamiliar with their names and thus suspicious of or even alarmed by their listing.
 - b. Does the agency have an "education component" in their remit regarding this study? Given that the Administration has an "all of the above" approach towards energy development within the United States, we are interested in how the USEPA is approaching external stakeholders on issues around hydraulic fracturing? Given the concerns raised by the public, legislators and other parts of your agency regarding the use of chemicals do you not see a role for your team to place the use of chemicals in context?

3. During the EPA's research in Pavillion, Wyoming, the USGS conducted an assessment and released two technical reports regarding the EPA investigation and draft report. The USGS report identified, among other things, flaws in EPA's research, including improper monitoring well construction and development and possible cross-contamination of groundwater during EPA monitoring well development. For example, the USGS was unable to sample EPA's Monitoring Well 2. What changes, if any, has the EPA made or assurance can EPA provide to prevent these sorts of errors from being repeated?
4. It is well known that, in the case of Pavillion, Wyoming—where EPA alleged hydraulic fracturing caused groundwater contamination in a draft report and press release prior to peer review—EPA failed to follow standard well sampling protocols, including those by USGS and in some cases their own. It is my understanding that this failure likely contributed to EPA's erroneous conclusions and misplaced accusations.
 - a. Dr. Hauchman, what steps is the EPA taking to prevent similar sampling errors in its work on the broader fracking study, particular with respect to the case studies?
5. What interactions have you or the Agency had with State regulators in the development and execution of this study? Please provide details on how you solicited their input and reactions to the progress report and what you are doing to continue that dialogue with the states?
 - a. Do you plan to or is there a mechanism to discuss and incorporate the various state regulations in place regarding hydraulic fracturing?
 - b. Why were no state regulators included on the hydraulic fracturing advisory panel of the Science Advisory Board?

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**Hearing Questions for the Record
The Honorable Cynthia Lummis**

***Lessons Learned: EPA's Investigations of Hydraulic Fracturing*
Dr. Fred Hauchman**

1. Dr. Hauchman, in June the Agency announced that it would not be pursuing further action on its draft report in Pavillion, including peer review. Does the Agency plan to include any of the data or information from the Pavillion investigation in ongoing hydraulic fracturing study?
 - a. The EPA website, on a page entitled "Questions and Answers about EPA's Hydraulic Fracturing Study" states the following with regard to groundwater investigations including the one in Pavillion:

"Ground water investigations are distinct from the retrospective and prospective case studies conducted as a part of this study, and so they cannot be used as case studies. However, ground water investigations such as these will be considered in this study's analysis of existing data, once they have undergone peer review."

Given this statement, does the EPA still plan to consider this data as part of the peer review, even though this data will not undergo peer review?

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**Hearing Questions for the Record
The Honorable Jim Bridenstine**

***Lessons Learned: EPA's Investigations of Hydraulic Fracturing*
Dr. Fred Hauchman**

1. In regard to the hydraulic fracturing study, does EPA intend to make all non-Confidential Business Information (CBI) data publicly available that will be used to develop conclusions and recommendations?